

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

**CREE, INC.**  
Petitioner

v.

**DOCUMENT SECURITY SYSTEMS, INC.**  
Patent Owner

---

Case No. IPR2018-01220  
U.S. Patent No. 7,256,486

---

**PETITION FOR *INTER PARTES* REVIEW OF  
U. S. PATENT NO. 7,256,486 UNDER  
35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 ET SEQ.**

## Table of Contents

I.	INTRODUCTION .....	1
II.	GROUNDS FOR STANDING (37 C.F.R. § 42.104(a)).....	1
III.	OVERVIEW OF THE '486 PATENT .....	1
IV.	BRIEF DESCRIPTION OF THE PRIOR ART .....	4
	A.    JAPANESE PATENT APPLICATION PUBLICATION No. 2001-308388 (ISHINAGA).....	4
	B.    U.S. PATENT No. 5,177,593 (ABE) .....	6
	C.    U.S. PATENT No. 6,791,119 TO SLATER, JR. ET AL. ("SLATER").....	8
V.	PERSON HAVING ORDINARY SKILL IN THE ART .....	12
VI.	IDENTIFICATION OF CLAIMS BEING CHALLENGED (§ 42.104(B)) .....	13
	A.    37 C.F.R. § 42.104(B)(1): CLAIMS FOR WHICH <i>INTER PARTES</i> REVIEW IS REQUESTED.....	13
	B.    37 C.F.R. § 42.104(B)(2): THE PRIOR ART AND SPECIFIC GROUNDS ON WHICH THE CHALLENGE TO THE CLAIMS IS BASED .....	14
	C.    37 C.F.R. § 42.104(B)(3): CLAIM CONSTRUCTION.....	15
	“METALLIZED . . . MAJOR SURFACE” .....	16
VII.	PRECISE REASONS FOR THE RELIEF REQUESTED .....	19
	A.    GROUND 1: CLAIMS 1-4 ARE RENDERED OBVIOUS BY ISHINAGA IN VIEW OF SLATER .....	19
	1.    Independent Claim 1 .....	19
	2.    Dependent Claim 2 .....	39
	3.    Dependent Claim 3 .....	49
	4.    Dependent Claim 4 .....	52

B. GROUND 2: CLAIMS 1-4 ARE RENDERED OBVIOUS BY ABE IN VIEW OF SLATER .....	54
1. Independent Claim 1 .....	54
2. Dependent Claim 2 .....	69
3. Dependent Claim 3 .....	78
4. Dependent Claim 4 .....	81
VIII. MANDATORY NOTICES PURSUANT TO 37 C.F.R. § 42.8(A)(1).....	82
A. C.F.R. § 42.8(B)(1): REAL PARTY-IN-INTEREST .....	82
B. C.F.R. § 42.8(B)(2): RELATED MATTERS .....	83
C. C.F.R. § 42.8(B)(3) AND (4): LEAD AND BACK-UP COUNSEL AND SERVICE INFORMATION .....	84
IX. CONCLUSION.....	85

## CERTIFICATE OF SERVICE

## CERTIFICATE OF COMPLIANCE WITH 37 C.F. R. § 42.24

## **TABLE OF AUTHORITIES**

	<b>Page</b>
<b>CASES</b>	
<i>Cuozzo Speed Techs. LLC v. Lee</i> , 136 S. Ct. 2131 (2016).....	16
<i>Document Security Systems, Inc. v. Cree, Inc.</i> , No. 2:17-cv- 00309 (E.D. Tex.).....	83
<i>Document Security Systems, Inc. v. Cree, Inc.</i> , No. 2:17-cv- 04263 (C.D. Cal.) .....	83
<i>Document Security Systems, Inc. v. Everlight Electronics Co.</i> , Ltd. et al., No. 2:17-cv-00310 (E.D. Tex.) .....	83
<i>Document Security Systems, Inc. v. Everlight Electronics Co.</i> , Ltd. et al., No. 2:17-cv-04273 (C.D. Cal.).....	83
<i>Document Security Systems, Inc. v. Lite-On, Inc.</i> , No. 2:17-cv-06050 (C.D. Cal.) .....	83
<i>Document Security Systems, Inc. v. Nichia Corporation et al.</i> , No. 2:17-cv-08849 (C.D. Cal.) .....	83
<i>Document Security Systems, Inc. v. OSRAM GmbH</i> , No. 2:17-cv-05184 (C.D. Cal.) .....	83
<i>Document Security Systems, Inc. v. Seoul Semiconductor Co. Ltd.</i> , No. 2:17- cv-00308 (E.D. Tex.).....	83
<i>Document Security Systems, Inc. v. Seoul Semiconductor Co. Ltd.</i> , No. 8:17- cv-00981 (C.D. Cal.) .....	83

*In re Schreiber*,  
128 F.3d 1473 (Fed. Cir. 1997) ..... 53, 81

*Versata Dev. Grp., Inc. v. SAP Am., Inc.*,  
793 F.3d 1306 (Fed. Cir. 2015) ..... 16

## STATUTES

35 U.S.C. § 102 ..... 4, 7, 8, 15

35 U.S.C. § 103 ..... 15

## OTHER AUTHORITIES

37 C.F.R. § 42.8(A)(1) ..... 82

37 C.F.R. § 42.8(b) ..... 82, 83, 84

37 C.F.R. § 42.10(b) ..... 85

37 C.F.R. § 42.24(a)(1)(i) ..... 85

37 C.F.R. § 42.100(b) ..... 16

(37 C.F.R. § 42.104(A)) ..... 1

37 C.F.R. § 42.104(B) ..... 14

37 C.F.R. § 42.104(b)(1) ..... 14

37 C.F.R. § 42.104(b)(2) ..... 14

37 C.F.R. § 42.104(b)(3) ..... 16

M.P.E.P. § 2141.03 ..... 13, 14

# Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

### LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

### FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

### E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.